

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TANNER HUDSON,

Defendant.

4:22CR3120

ORDER

Defendant has filed an *ex parte* application for issuance of subpoena duces tecum. (Filing No. 98). See, Fed. R. Crim. P. 17(c). Defendant's application is supported by counsel's affidavit explaining the documents or objects sought cannot otherwise be reasonably obtained by due diligence in advance of the case proceedings; Defendant cannot properly prepare for those proceedings without advance production and inspection of the documents or objects; absent advance production and inspection, the case proceedings may be unreasonably delayed; and Defendant's motion is made in good faith and is not intended for the purpose of general discovery. On May 31, 2024, this Court held a phone conference with counsel for Defendant, at which time he advised the motion and order did not need to be filed *ex parte*. Counsel for the government was on the call, that was initiated by Defendant's counsel. Any request for this order to be *ex parte* is denied.

Accordingly,

IT IS ORDERED:

- 1) Defendant's application for the service of subpoenas duces tecum, (Filing No. 98), is granted.
- 2) The clerk shall issue the subpoena, (Filing No. 98-2), as requested and shall deliver the subpoena and a copy of this order to Defendant's counsel for service.
- 3) Defendant's *ex parte* motion to file under seal, (Filing No. 98), is denied. This order shall not be filed *ex parte*.

Dated this 31st day of May, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca
United States Magistrate Judge